

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

TODD STURGILL

PLAINTIFF

v.

Civil No. 05-5106

UNITED PARCEL SERVICE, INC.

DEFENDANT

**AMENDED JUDGMENT AND AMENDED ORDER AWARDING**

**ATTORNEY'S FEES AND COSTS**

On this 15<sup>th</sup> day of May 2008, the above-referenced case comes before the Court on remand from the Eighth Circuit Court of Appeals. The Court, being well and sufficiently advised, finds and orders as follows with respect thereto:

1. In accordance with the mandate issued by the Eighth Circuit on March 18, 2008, the judgment entered by this Court on September 11, 2006, is amended as follows:

- \* Plaintiff is awarded \$103,722.25 in lost wages and benefits.
- \* UPS is directed to pay plaintiff front-pay from the date of the verdict to the date of his reinstatement, at the rate of \$259.96 for each workday.
- \* The above amounts shall bear interest at the rate of 5.02% from the date of entry of the original judgment until paid.
- \* UPS is directed to reinstate plaintiff, with all attendant seniority and benefits, to his prior bid route or to a position as an unassigned driver.

\* The \$207,444.50 in punitive damages awarded to plaintiff is hereby **VACATED**.

\* The injunction prohibiting UPS from failing to accommodate plaintiff's religious observation of the Sabbath in the future is hereby **VACATED**.<sup>1</sup>

2. The Court's December 22, 2006 order awarding attorney's fees and costs is hereby amended to correct an arithmetical error. Plaintiff's counsel are awarded \$120,258.74 in attorneys' fees and \$14,579.63 in costs, for a total award of \$134,838.37 in fees and costs incurred at the district court level. This award shall bear interest at the rate of 4.95% from December 22, 2006, until paid.

3. Finally, in accordance with the order entered by the Eighth Circuit on March 21, 2008, regarding appellate attorney fees, Plaintiff's counsel are also awarded \$20,000.00 in appellate attorneys' fees and costs. This award shall bear interest at the rate of 1.94% from the date of entry of this amended judgment and order until paid.

4. Plaintiff's religious-discrimination claim is **DISMISSED WITH PREJUDICE**.

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<sup>1</sup>The Eighth Circuit vacated the grant of injunctive relief, finding it to be "overbroad." The parties have submitted letters to the Court and proposed amended judgments, in which they dispute whether the Court has the authority to order narrower injunctive relief. The Court agrees with the defendant that the Court lacks such authority, as the Eighth Circuit held that the evidence at trial was conflicting on what accommodations would be reasonable in the future and the Eighth Circuit did not authorize this Court to consider any additional evidence on the issue.

IT IS SO ORDERED.

/S/JIMM LARRY HENDREN  
JIMM LARRY HENDREN  
UNITED STATES DISTRICT JUDGE